| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/645,567 | 08/22/2003 | Jeremy Petsinger | 10992627-3 | 8220 |

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|---|---|---|
| 22879 | 7590 | 06/05/2006 |

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

| EXAMINER |
|---|
| DUNCAN, MARC M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2113 | |

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/645,567 | PETSINGER ET AL. |
| | Examiner | Art Unit |
| | Marc Duncan | 2113 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>*22 August 2003*</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4-20* is/are allowed.

6)☒ Claim(s) *1 and 2* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*22 August 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>*8/22/03*</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

# DETAILED ACTION

## *Status of the Claims*

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by

Huggins (5,845,064).

Claim 3 is objected to.

Claims 4-20 are allowed.

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by

Huggins (5,845,064).

Regarding claim 1:

Huggins teaches:

An apparatus for verifying correctness of a behavioral model of a microcode

machine (Title), the microcode machine operable in a native state and an emulated

state, the apparatus, comprising:

means for producing the native state (col. 2 lines 40-43 and col. 4 lines 2-4 – the

model of the design is a means for producing the native state);

means for producing the emulated state (col. 2 lines 40-43 and col. 3 liens 63-67

– the C language reference model is a means or producing the emulated state); and

means for comparing the native state and the emulated state (col. 2 lines 43-45

and col. 4 lines 63-67).


Regarding claim 2:

Huggins teaches:

wherein the behavioral model comprises one of a hardware description language

and a processor (col. 4 lines 2-4).


### *Allowable Subject Matter*

Claim 3 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject

matter:  Prior art was not found that explicitly teaches or fairly suggests executing a

sequence of microinstructions generated from microcode taken from a microcode

storage in order to produce the native state and executing a macroinstruction

corresponding to the microinstruction sequence in order to produce the emulated state

as outlined in claim 3.  Prior art was not found that explicitly teaches or fairly suggests

determining if a macroinstruction to be executed is a native instruction; if the

macroinstruction is a native instruction, executing the native instruction, the execution

producing the native mode state of the processor; if the macroinstruction is not a native instruction: fetching the macroinstruction, providing microinstructions corresponding to the macroinstruction, and executing the microinstructions, the execution producing the native mode state of the processor as outlined in claim 4.  Prior art was not found that explicitly teaches or fairly suggests checking the native mode state and the emulated state against the behavioral model as outlined in claims 12 and 17.


## *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646.  The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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